



THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
TELEPHONE (202) 293-7330
FAX (202) 293-2352
TDD (202) 293-9445
URL www.usmayors.org/uscm

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Statement by

Mayor Edward Rendell of Philadelphia

on behalf of

The United States Conference of Mayors

on

Federalism

to

Subcommittee on National Economic Growth, Natural
Resources, and Regulatory Affairs

Committee on Government Reform and Oversight

United States House of Representatives

July 28, 1998

10:00 a.m.

2 154 Rayburn

Mr. Chairman and Members of the Subcommittee. The United States Conference of Mayors, a bi-partisan organization representing over 1,050 cities with populations of 30,000 or greater, welcomes the opportunity to present testimony on the issue of federalism. My name is Edward Rendell, I am the Mayor of Philadelphia, and an Advisory Board Member of The U.S. Conference of Mayors.

The nation's mayors have long been concerned with the proper relationship of the various levels of government — local, state and federal — and have worked to strengthen a federal partnership where appropriate and to guarantee local autonomy whenever possible.

In 1993, Senator Dirk Kempthorne (ID), the former Mayor of Boise, brought the issue of unfunded mandates before our body. The nation's mayors responded by overwhelmingly endorsing the Kempthorne bill, and was the first national organization to do so. Mayors then helped lead the effort to enact unfunded mandates legislation, and, working with our state and local partners and leaders in the Senate and House, were proud to see passage of the Unfunded Mandates Reform Act of 1995 and its signing by President Clinton.

While the primary focus of that Act was on new mandates which originate in Congress, the Act also addressed the critical issue of mandates and rulemakings which originate in the federal departments and agencies. Mayors recognized this to be an equally important concern and strongly supported the inclusion of these provisions — Title II — in the final legislation.

But prior to enactment and the signing of the **Unfunded Mandates Reform Act**, the nation's mayors were pleased to work closely with the Reagan Administration on Executive Order No. 12612, "Federalism," and the Clinton Administration on the development of Executive Order No. 12875, "Enhancing the Intergovernmental Partnership."

The interest of the nation's mayors in the implementation of Executive Order 12875 did not end with its signing by President Clinton on October 26, 1993. As you will see in the attached letter **from** Knoxville Mayor Victor **Ashe**, then President of The U.S. Conference of Mayors, the Conference wrote to President Clinton and the federal departments and agencies in the fall of 1994 requesting specific information regarding implementation plans for Executive Order 12875. Attached are response letters from President Clinton and many of the federal departments and agencies (Departments of Commerce, Defense, Education, Energy, Health and Human Services, Interior, Justice, Labor, State, Transportation, and Treasury, and the Environmental Protection Agency).

And prior to the above mentioned exchange of letters, the Administration — working through its Office of Information and Regulatory Affairs within the Office of Management and Budget — held a number of conferences with state and local government organizations including The U.S. Conference of Mayors regarding implementation of Executive Order 12875. As stated by then OIRA Administrator Sally **Katzen** in the attached invitation of June 20, 1994 to such a conference, "The first two conferences have provided useful insights into the nature of the Federal-State-local-tribal

regulatory partnership, and into the process of consultation between levels of government for Federal regulations which impose mandates covered by Executive Order (E.O.) No. 12875.”

It is clear **from** our work with the Clinton Administration on implementation of Executive Order 12875 that there was a serious recognition on both sides of the **importance** of the Order and its successful implementation.

The nation’s mayors have worked in partnership with the Administration on a **number** of other critical priorities — foremost of which was enactment of the federal **crime** bill which included the authorization of 100,000 officers for community policing efforts, as well as a number of other key anti-crime initiatives.

Mayors are currently working closely with the Administration on priorities including **brownfields** redevelopment, support for other community and economic development activities, drug control, improvements in our nation’s public schools, and support for sustainable communities. President Clinton has personally participated in many of our national meetings and special sessions focused on issues such as drug **control** and public schools, as have numerous members of his Cabinet.

It is within the above mentioned context that we were extremely surprised to learn that a new Executive Order on Federalism had been signed by President Clinton on May 14, 1998. As mentioned in the July 17 letter sent to President Clinton by the leaders of the “Big 7” state and local organizations, including Conference President Mayor Deedee Corradini of Salt Lake City, “No state and local government **official** was consulted in the

drafting of E.O. 13083. In contrast, this administration fully engaged state and local officials and their associations in the drafting of your E.O. 12875.”

The new Executive Order would not only revoke both President Reagan’s Executive Order and the previous Clinton Executive Order. but contains serious changes to the federal government’s interpretation of its authority, including the elimination of specific references to limitations on the preemption of state and local authority. elimination of a direct reference to the 10th Amendment to the Constitution, and an expanded list of instances where federal action is justified.

As a result, the Big 7 letter of July 17 urged the President to withdraw Executive Order 13083 to, “provide for meaningful consultations with state and local officials not on E.O. 13083. but on whether any changes ought to be considered with respect to Executive Orders 12875 (Enhancing the Intergovernmental Partnership) and 126 12 (Federalism).”

In addition, the July 17 letter stated our appreciation for the Administration’s decision to extend the effective date of Executive Order 13083 for 90 days — during which time the existing orders will stay in effect — but still called for the withdrawal of the new Order so that discussions can take place with the two previous orders as the point of reference.

We were disappointed to see that the Administration’s July 20 response. signed by Mr. Mickey Ibarra, Assistant to the President and Director of Intergovernmental Affairs. restated the Administration’s decision to extend the effective date of the new Order for 90

days and desire to meet and begin discussions. but made no reference to our request that Executive Order 13083 be withdrawn.

We must also point out that on July 22, a sense of the Senate resolution was passed by unanimous consent calling on the President to “repeal” the new Order.

The issue of federalism and the need for a proper balance of power and authority continues to be of critical importance. Discussions are currently taking place between the nation’s mayors and the Administration regarding the critical issue of “environmental justice” and the application of Title VI of the Civil Rights Act of 1964 to environmental permits written by state and federal agencies that receive federal funds.

As discussed in a recent meeting hosted by Detroit Mayor Dennis Archer with a number of mayors and EPA Administrator Carol Browner, interim EPA regulations could have serious repercussions on economic redevelopment and job creation in our nation’s cities — particularly those which have faced serious challenges and are now on the edge of an era of new opportunities for their citizens. We are now working with U.S. EPA to **revise** the interim policy to reflect local perspectives on this issue.

We are also working closely with the Administration and Congress on legislation which could significantly impact the future of tax policy in states and cities by limiting our ability to impose taxes on sales and activities over the internet.

And we continue to face challenges to the balance of federalism in the telecommunications arena. as Members of Congress, industry representatives and others too often try to “federalize” local authorities over zoning and local rights-of-way.

Much progress has been made in developing a context for analyzing the proper roles of the various levels of government with respect to any given issue. such as those examples listed above. We believe **that** Executive Orders 126 12 and 12875 have greatly helped define this context.

With so many key issues before us today, and with unlimited potential for new issues. it is essential that a federalism policy not only reflect a proper balance of authority. but be developed in cooperation with and supported by state and local governments.

In conclusion, The United States Conference of Mayors appreciates the opportunity to testify before this Subcommittee, and will continue to work with our state and local partners, the Administration. and Congress to ensure that the nation's federalism policy remains strong and balanced.

**National Governors' Association
National Conference of State Legislatures
Council of State Governments
National Association of Counties
The US. Conference of Mayors
National League of Cities
International City/County Management Association**

July 17, 1998

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

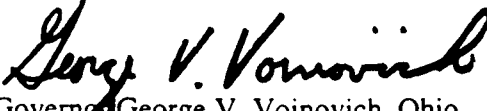
Dear Mr. President:


We are writing on behalf of the nation's elected state and local government leaders to request that you withdraw Executive Order 13083. We urge this action to provide for meaningful consultations with state and local officials not on E.O. 13083, but on whether any changes ought to be considered with respect to Executive Orders 12875 (Enhancing the Intergovernmental Partnership) and 12612 (Federalism). No state and local government official was consulted in the drafting of E.O. 13083. In contrast, this administration fully engaged state and local officials and their associations in the drafting of your E.O. 12875.


While we appreciate the offer by your administration to extend the comment period by 90 days, we feel that Executive Order 13083 so seriously erodes federalism that we must request its withdrawal.


Because we all have imminent meetings of our elected leaders, we believe it especially critical for you to consider and act upon our request to withdraw the order as quickly as possible.


Sincerely,



Governor George V. Voinovich, Ohio
Chairman
National Governors' Association

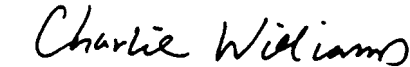

Senator Richard Finan, Ohio
Senate President
President, National Conference of
State Legislatures


Commissioner Randy Johnson
Hennepin County, Minnesota
President, National Association of Counties


Brian O'Neill
Council Member
City of Philadelphia
President, National League of Cities


Deedee Corradini
Mayor of Salt Lake City
President
The U.S. Conference of Mayors


Gary Gwyne, City Manager
Grand Prairie, Texas
President
International City/County
Management Association


Representative Charlie Williams
Chairman
Council of State Governments
Mississippi

THE WHITE HOUSE

WASHINGTON

July 20, 1998

The Honorable **Deedee Corradini**
Mayor of Salt Lake City
President of **The** U.S. Conference of Mayors
451 South State **Rm 306**
Salt Lake City, Utah 84111

Dear Mayor Corradini:

I **have been asked** to reply to your July 17 letter to the **President** regarding Executive Order 13083.

In response to concerns raised by the "Big **Seven**" **at their** July 14 meeting with me, the Administration agreed to delay the implementation of Executive **Order** 13083 for 90 days. During this extended period, Executive Orders 12612 and 12875 will remain in **effect**. I have spoken to each executive director of the "Big Seven" to inform them of the Administration's decision.

I know that you anticipate, as we do, **that** this extra **time** will be put to **constructive** use. The Office of Intergovernmental **Affairs** and my **colleagues at** the White House are **committed** to working closely **with** you on this issue. We are ready to **meet next** week at your **earliest convenience** to begin our discussions.

President Clinton has demonstrated his commitment to federalism **many times**. As a **former** Governor, the President knows first-hand that the federal **government** must be sensitive to the needs of state and local governments to address the variety of challenges we face. Enclosed is a fact sheet for your **review**.

I look forward to working with you to reach common ground.

Sincerely,



Mickey Ibarra
Assistant to the President
and Director of Intergovernmental Affairs

Enclosure

cc: Thomas **Cochran**
Executive Director, U.S. Conference of Mayors